

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SEP 16 2 32
U.S. DISTRICT COURT
WESTERN DISTRICT OF MASS

JOSEPH MARION HEAD,)	
)	
Petitioner,)	Case No. 1:04-cv-232
)	
v.)	Honorable Gordon J. Quist
)	
STATE OF NORTH CAROLINA,)	
)	<u>ORDER OF TRANSFER</u>
Respondent.)	
)	

This is a habeas corpus proceeding brought by a state prisoner pursuant to 28 U.S.C. § 2254. In August 1976, Petitioner was convicted of second-degree rape in the Rutherford, North Carolina Superior Court. He was sentenced to 35 years in prison. He raises numerous grounds for relief in his habeas application. Petitioner is presently incarcerated at Federal Medical Center in Ayer, Massachusetts.

Venue in habeas corpus actions is governed by 28 U.S.C. § 2241. That statute allows a petition to be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d). In the present case, Petitioner was convicted in Rutherford County North Carolina and is confined in Ayer, Massachusetts, neither of which lies in the Western District of Michigan. Venue, therefore, lies in the federal district encompassing either Rutherford County North Carolina or Ayer, Massachusetts.

Accordingly, IT IS ORDERED that this case is hereby transferred to the United States District Court for the District of Massachusetts pursuant to 28 U.S.C. § 1406(a). The Clerk shall transmit the file forthwith to the Clerk of the Court in Boston, Massachusetts.

Dated: May 17, 2004

/s/ Hugh W. Brenneman, Jr.
Hugh W. Brenneman, Jr.
United States Magistrate Judge

CERTIFIED
ECF DOCUMENT

I hereby attest and certify that this is a printed copy of a document which was electronically filed with the United States District Court for the Western District of Michigan on 5-13-04

RONALD C. WESTON, SR., CLERK OF COURT

By: [Signature]

Deputy Clerk

Dated: 5-13-04